

# Exhibit K

## to Hawkins Declaration

Plaintiffs' Reply in Further Support of Motion for Class Certification

*Michelo et al. v. Nat'l Collegiate Student Loan Trust 2007-2 et al.*, No. 18-CV-1781

*Bifulco et al. v. Nat'l Collegiate Student Loan Trust 2004-2 et al.*, No. 18-CV-7692

May 15, 2021

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MUTINTA MICHELO, KATHERINE SEAMAN, and  
MARY RE SEAMAN, individually and on  
Behalf of all others similarly situated,

Plaintiff,

Index no. 18-cv-1781 (PGG)

v.

NATIONAL COLLEGIATE STUDENT LOAN TRUST  
2007-2; NATIONAL COLLEGIATE STUDENT LOAN  
TRUST 2007-3; TRANSWORLD SYSTEMS, INC.,  
in its own right and as successor to NCO  
FINANCIAL SYSTEMS, INC.; EGS FINANCIAL  
CARE INC., formerly known as NCO  
FINANCIAL SYSTEMS, INC.; and  
FORSTER & GARBUS LLP,

Defendants.

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CHRISTINA BIFULCO, JAELYSABEL VILLASANTE,  
and CORI FRAUENHOFER, individually and on  
Behalf of all others similarly situated,

Plaintiffs,

Index no. 18-cv-7692 (PGG)

v.

NATIONAL COLLEGIATE STUDENT LOAN TRUST  
2004-2; NATIONAL COLLEGIATE STUDENT LOAN  
TRUST 2006-4; TRANSWORLD SYSTEMS, INC.,  
in its own right and as successor to NCO  
FINANCIAL SYSTEMS, INC; EGS FINANCIAL  
CARE INC., formerly known as NCO  
FINANCIAL SYSTEMS, INC.; and  
FORSTER & GARBUS LLP,

Defendants.

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DEPOSITION OF CHANDRA ALPHABET

May 15, 2021

May 15, 2021

1 C. Alphabet

2 would they -- would you get them in  
3 electronic copy and then print them out or  
4 did they come to you in paper copy, how did  
5 that work?

6 A. Honestly, I don't remember. I'm  
7 trying to think. It's a long time. I really  
8 don't remember.

9 Q. Okay. I have to pause one quick  
10 second. I don't think that we need to take a  
11 break, it's just something -- it's my  
12 doorbell or something, I'll be right back.

13 THE COURT REPORTER: We'll go off  
14 the record.

15 (Off-the-record discussion was  
16 held.)

17 BY MR. HAWKINS:

18 Q. I'd like you to look at Paragraph 3  
19 of the affidavit that we have as Plaintiff's  
20 386.

21 Do you need me to zoom in on it,  
22 Ms. Alphabet?

23 A. No, I could read it.

24 Q. Okay. I'd like to focus on this  
25 first sentence, this lawsuit arose out of an

1 C. Alphabet

2 unpaid loan or loans owed by defendant, Cori  
3 Frauenhofer to plaintiff.

4 Do you see that the first line in  
5 Paragraph 3?

6 A. I do.

7 Q. Who is the plaintiff that line  
8 refers to?

9 A. Cori, and it says Frauenhofer.

10 You said the defendant or the  
11 plaintiff?

12 Q. I said the plaintiff.

13 A. Oh, I'm sorry. The plaintiff.  
14 Okay. So, the plaintiff's name is not in  
15 Paragraph 3, 'cause you asked me to look at  
16 Paragraph 3.

17 Q. Okay. Do you know who the  
18 plaintiff is in this case?

19 A. I would assume it's National  
20 Collegiate, because I'm looking at the top of  
21 it.

22 Q. Okay. How did you know that Cori  
23 Frauenhofer owed anything to National  
24 Collegiate?

25 MR. SCHULTZ: Object to the form.

1 C. Alphabet

2 Also mischaracterizes prior testimony.

3 A. I don't know personally. I just  
4 know the documents that were -- that was put  
5 before me.

6 Q. Okay.

7 A. And apparently NCO TSI purchased --  
8 purchased those accounts and those are the  
9 accounts that was presented to us, the note  
10 showing where the defendant had signed his  
11 name on the note.

12 Q. Okay. Is there -- is there  
13 reference in this affidavit to the note that  
14 you're referring to?

15 MR. SCHULTZ: I'm just going to  
16 object to the form of the question to  
17 the extent the witness said she  
18 doesn't really recall seeing this and  
19 you haven't really given her a chance  
20 now to read the whole thing.

21 MR. HAWKINS: I'm not rushing her.

22 MR. SCHULTZ: I know, I'm just  
23 saying that I think Chandra needs to  
24 know if she needs to read the whole  
25 thing over to refresh her memory about

1 C. Alphabet

2 people I don't have contact with at the time.

3 Q. And what about an individual named  
4 Anthony Albanese?

5 A. Pardon me?

6 Q. Anthony Albanese.

7 A. Never heard of him.

8 Q. Have you had contact with anybody  
9 at TSI NCO since you left employment there?

10 A. No.

11 Q. Okay.

12 MR. HAWKINS: Plaintiffs have no  
13 further questions at this time.

14 MR. SCHULTZ: Chandra, I hate to  
15 do this to you, but I do just have a  
16 couple of follow-up questions.

17 THE WITNESS: Okay.

18 EXAMINATION BY

19 MR. SCHULTZ:

20 Q. I just want to clarify. I thought  
21 I heard you testify earlier that TSI NCO or  
22 Transworld Systems had purchased the National  
23 Collegiate College Departments, did you  
24 testify to that?

25 A. That was my understanding.

1 C. Alphabet

2 Q. Okay. So, your understanding today  
3 is that you think that NCO or TSI had  
4 purchased -- were the owner or the purchaser  
5 of the accounts?

6 A. Yes.

7 Q. And why do you think that that was  
8 or what's the basis for your understanding of  
9 that?

10 A. I would say the basis -- because I  
11 know in collections, most of the time you  
12 only collect on the accounts that you  
13 purchase and I just -- I just don't remember  
14 everything about it, but I just kind of  
15 remember them saying or maybe a co-worker  
16 saying, you know, hey, there's an account  
17 that we own. And I remember there being  
18 other -- other accounts as well other than  
19 this.

20 Q. Okay. So, is it your understanding  
21 that TSI's role wasn't just as a servicer for  
22 the accounts?

23 A. Honestly, I don't -- I don't  
24 remember.

25 Q. So, you don't really know that TSI